

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - SPECIAL SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIR JIM SHOCKLEY**, on August 9, 2002 at 10:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chair (R)
Rep. Paul Clark, Vice Chair (D)
Rep. Jeff Laszloffy, Vice Chair (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB17, 8/2/2002
Executive Action: SB17, Be Concurred In

HEARING ON SB17**Sponsor:****Sen. Christiaens-SD 23-Cascade, Montana**

"An act revising sexual offender laws r conform to federal law, revising the definitions of "sexual offense" and "violent offense"; revising the conditions for registration based upon duration of time in a county; providing that an offender convicted of sexual intercourse without consent against a victim under 12 years of age is subject to mandatory lifetime registration; removing sexually violent predators from the category of offenders who may receive a risk level classification reduction".

Brings sex offenders laws into compliance with federal laws that will allow us to take full advantage of Robert Burn Federal Grant money. Life long offenders, Level 3 offenders, offenses with juveniles under the age 12 , a person comes from another state and stays here 10 days or more or 30 days in a calendar year, they are required to register. "Burn Memorial Fund" lost \$253K. Money to go to Drug Task Force. We do not require people who are in the State Hospital to register as offenders.

Proponents:**Mike McGrath-Attorney General of the state of Montana, also
Montana Board of Crime Control**

Montana gets money from the federal government in the form of Burn Memorial Grants. \$2.M a year. Most of the money is used for Drug Task Force. Only money that is used for drug enforcement. There are strings attached. Wedderling/Lynchner Acts. SB17 seeks to include charges as to : burglary, promotion of prostitution with a minor, false imprisonment, 2nd offences as sex offences. Lifetime registration for Level 3 offenders. Clarifies an offender convicted of sexual intercourse with a juvenile under the age of 12, register as a lifetime register. Re: Sex offenders at State Hospital; my understanding is that the statue already states they register. This is a win/win situation, toughens up our sex offender registration act, improves our enforcement of anti-drug efforts.

Bill Slaughter-Board of Crime Control, Director of Dept. of Corrections

The Drug Task Force works, that's why the prisons are full. Brought together, local, state and federal enforcement to work together, please vote for this SB17.

Beth Satrye-Montana Coalition Against Domestic and Sexual Violence

Strongly support SB17

Troy McGee-Chief of Police, Helena, Montana

Strongly support of SB17. We are part of the Drug Task Force in Helena.

Kathy McGowan-Montana Sheriff's and Peace Officers Association, Montana County Attorney's Association

Strongly support SB17.

Dave Jezrets (?) -Police Officer in Helena, Montana, Montana Police Protective Association.

We represent over 500 officers in the state of Montana. We strongly support SB17.

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

Rep. Peterson to McGrath-Received letter from the Attorney General's office; back side of letter "it deletes the category of kidnaping, solicitation, etc. Why deleted? **Mr. McGrath** -Good question; we're complying with federal regulations and they are adding (Montana only state with violent registry)the children kidnaping, some involve sexual offenses.

Rep. Harris to McGrath -Section 5 page 4 line 26-"deletion of offender sentenced in another state" Why are we deleting? **Mr. McGrath** -it requires anybody who has a sex offense in Montana or any other states to register. Re: out of state student, they are required to register. If you look at whole bill, it's not

excluding, it's just not making a separate category. **Rep. Harris** to **McGrath** -What if a clever defense attorney is going to take this deleted language and say my client was convicted elsewhere; can we be sure to that attorney will not use that? **Mr. McGrath** - It should be covered. Defer to **Allie Shepherd** -drafted bill- Attorney General's Office-the law is on the books already; just a better clarification.

Rep. Shockley to **McGrath** -page 7, line 19 problem. Sexual offenders in prison who were never designated 1, 2, or 3. Dept. designates them when they are released. Dept. uses lowest category due a constitutional problem. Would you object that we put that in bill, so that person needs to get re-sentenced. Bullet -proof. **Mr. McGrath** -If we make that amendment, we might not have time for this bill to be on the floor; Friday of a Special Session, etc. Work on that and get it resolved for the regular session. Also concerned there might be a Fiscal Note if DOC has to transport prisoners back to prison to have a hearing before release.

Closing by Sponsor:

Sen. Christiaens-Amendment would pose some problems implementing the bill.

Rep. Newman-Look at page 4 top sub section B-it tells you a sex offense in any other state is a violation of the law.

EXECUTIVE ACTION ON SB17

Motion/Vote: REP. LASZLOFFY moved that SB17 BE CONCURRED IN.
Motion passed unanimously.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 397}

ADJOURNMENT

Adjournment: 10:27 A.M.

REP. JIM SHOCKLEY, Chair

PAM SCHINDLER, Secretary

JS/PS

EXHIBIT(juh05aad)